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STATE OF MICHIGAN  
DEPARTMENT OF NATURAL RESOURCES  
LANSING



KEITH CREAGH  
DIRECTOR

SUBMITTED: March 13, 2017

MEMORANDUM TO THE NATURAL RESOURCES COMMISSION

Subject: Certain Rifle Use with Straight-walled Cartridges and Case Length Restrictions in the Limited Firearms Deer Zone  
Wildlife Conservation Order Amendment No. 3 of 2017  
FOR INFORMATION ONLY

Authority:

The Natural Resources and Environmental Protection Act, 1994 PA 451, authorizes the Director and the Commission to issue orders to manage wild animals in this state.

Discussion and Background:

In June 2014, the Natural Resources Commission (NRC) approved the regulation to allow the limited use of certain rifles capable of using .35 caliber or larger ammunition, with a straight-walled cartridge that has a minimum case length of 1.16 inches and a maximum case length of 1.80 inches to take deer in the limited firearms deer zone. It was recommended that this provision be allowed for three years for evaluation with a 2017 sunset clause.

Current regulations allow firearm deer hunters to use the following firearms in the limited firearms deer zone:

- A shotgun with a smooth or rifled barrel and may be of any gauge.
- A .35 caliber or larger rifle loaded with straight-walled cartridges with a minimum case length of 1.16 inches and a maximum case length of 1.80 inches.
- A .35 caliber or larger air rifle or pistol charged only from an external high-compression power source.
- A muzzle-loading rifle or black-powdered rifle loaded with black powder or a commercially manufactured black powder substitute.

The Law Enforcement Division (LED) has evaluated the use of rifles capable of using .35 caliber or larger ammunition, loaded with straight-walled cartridges with a minimum case length of 1.16 inches and a maximum case length of 1.80 inches to take deer in the limited firearms deer zone. The LED proposes that the NRC reauthorize this regulation and remove the sunset entirely.

*Issues Pros and Cons*

Allowing an additional type of hunting apparatus (certain centerfire rifles) will provide more opportunity for hunters. These types of firearms have the capability to effectively take down a deer and may increase accuracy and maximum effective range as compared to a short-barreled pistol. These firearms are not as heavy nor have as much recoil as shotguns and ensure that a firearm is sized appropriately to fit physical abilities of young and new hunters. In addition, the

availability of these rifles may aid in the recruitment of young and new hunters, as well as retain and reactivate other hunters that cannot support the larger framed or handle the recoil of shotguns. This regulation may also increase the number of hunting licenses and firearms purchased.

Restrictions in the limited firearms deer zone are intended to prevent the use of rifles in an area with high population densities based on concern for public safety during firearm deer seasons. There is a safety concern that inexperienced hunters may use these rifles without proper training and may take inappropriate shots at game, causing stray bullets near more populated areas. From an enforcement perspective, officers will need to continue examining the different firearms and ammunition and may have to carry a measuring tool to measure overall case lengths. In addition, officers will continue to respond to public complaints of hearing "rifle shots" in a formerly restricted zone.

#### *Other States*

Indiana allows the use of certain rifle calibers for deer hunting, with regulations similar to those proposed in this memorandum. Indiana first allowed use of these rifles in 2007, and to date, has not experienced an increase in hunter injuries or fatalities attributable to the use of these rifles. The use of rifles accounts for approximately 10% of the Indiana deer harvest.

The Ohio Wildlife Council allows certain rifles with straight-walled cartridges in specifically named calibers from .357 to .500. A new proposal to allow the use of any straight-walled cartridge rifles from .357 to .500 caliber in the taking of deer will be reviewed for this fall deer hunting season.

In Missouri, hunters may use air-powered firearms, .40 caliber or larger, charged only from an external high compression power source (hand pump, air tank, or air compressor) to take deer.

#### *Biological*

There is no expected biological impact.

#### *Social*

In 2014, the Department received requests from deer hunters to allow for the use of .35 caliber or larger rifles capable of using certain traditional pistol cartridges to take deer in the limited firearms deer zone. Some user groups and hunters feel that allowing the use of these rifles in the limited firearms deer zone may attract and recruit additional hunters. Youth or small-statured hunters and hunters with limited upper body strength may prefer to use these lighter rifles with less recoil than a shotgun.

There is concern by some citizens and political subdivisions in the limited firearms deer zone that the use of rifles in densely populated areas may increase the likelihood of people, homes or buildings being struck by errant rounds traveling long distances. Michigan law does allow the Department to prohibit hunting and the use of firearms through a process prescribed in statute under PA 451 of 1994, Part 419, Hunting Area Control. There is some concern that continuing to allow the use of these certain centerfire rifles, utilizing straight-walled cartridges, for deer



hunting in the limited firearms deer zone could result in more interest by local political subdivisions to request hunting area controls (closures).

The LED routinely receives requests from local political subdivisions expressing interest in hunt area controls. As of February 15, 2017, LED has not seen an increase in local hunting area control requests due to the 2014 allowance of certain centerfire rifles with straight-walled cartridges and case length restrictions in the limited firearms deer zone. During the 2014-2017 evaluation period, there was no documented increase in hunting casualty incidents or a significant increase in complaints or confirmed incidents involving these firearms and property damage.

The Michigan United Conservation Clubs supports reauthorizing the limited use of certain rifles capable of using .35 caliber or larger ammunition, with a straight-walled cartridge that has a minimum case length of 1.16 inches and a maximum case length of 1.80 inches to take deer in the limited firearms deer zone.

*Economic*

There is no perceived economic effect other than the possible increase of interest in certain makes and models of rifles.

Certain Rifle Use with Straight-walled Cartridges and Case Length Restrictions in the Limited  
Firearms Deer Zone

Wildlife Conservation Order Amendment No. 3 of 2017

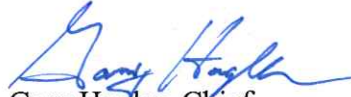
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Relevant Divisions have contributed to the preparation of this order. This order is being submitted for information and consideration. This item appeared on the Department's March calendar and may be eligible for approval on May 11, 2017.



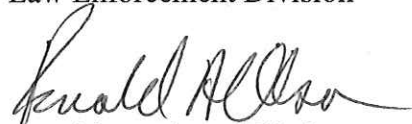
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# WILDLIFE CONSERVATION ORDER

## **Amendment No. 3 of 2017**

By authority conferred on the Natural Resources Commission and the Director of the Department of Natural Resources by sections 40107 and 40113a of 1994 PA 451, MCL 324.40107 and 324.40113a, it is ordered that effective May 12, 2017, the following section(s) of the Wildlife Conservation Order shall read as follows:

### **3.100 Take of deer; prohibited firearms, legal weapons, "bait" and "baiting" defined, conditions for baiting established in certain area(s); unlawful acts.**

Sec. 3.100 (1) "Take" means the same as defined in section 40104, 1994 PA 451, MCL 324.40104.

(2) An individual must possess while hunting deer the unused kill tag issued with the deer license, pursuant to section 3.103, and provide it to a conservation officer upon request.

(3) Unless otherwise specified in this order, an individual shall not do any of the following:

(a) Take a deer without possessing a valid license with kill tag.

(b) Take a deer other than during the open seasons established in this order.

(c) Take a deer outside of lawful hunting hours.

(d) Take a deer by any method other than by firearm, bow and arrow, or crossbow.

(e) Take a deer with a rimfire firearm .22 caliber or smaller.

(f) Take a deer during any firearm deer season in the "limited firearms deer zone," with a firearm other than a shotgun with a smooth or rifled barrel, a .35 caliber or larger pistol capable of holding no more than nine shells at one time in the barrel and magazine combined and loaded with straight-walled cartridges, a .35 caliber or larger rifle loaded with straight-walled cartridges with a minimum case length of 1.16 inches and a maximum case length of 1.80 inches, a .35 caliber or larger air rifle or pistol charged only from an external high-compression power source, or a muzzleloading rifle or black-powder pistol loaded with black-powder or a commercially manufactured black-powder substitute.

(g) Take a deer, or have in possession while hunting deer, a semiautomatic shotgun or rifle, capable of holding more than six shells in the magazine and barrel combined, or use a cartridge containing a tracer or explosive bullet, or a firearm capable of firing more than one shot with a single pull or activation of the trigger.

(h) Take a deer using an arrow, bolt, or quarrel with a broadhead hunting type of point less than 7/8 of an inch wide and/or a length less than 14 inches.

(i) Take a deer with a crossbow or a modified bow in zone 1 from December 1 to March 31 unless issued a disability crossbow permit by the department.

(j) Take a deer while the deer is swimming in a pond, lake, stream, or other body of water.

(k) Make use of a dog in hunting a deer, except as noted in section 2.1a of this order.

(l) Use aircraft to aid in the taking of a deer.

(m) Set afire or assist in setting afire any land for the purpose of driving out a deer, or take or attempt to take a deer so driven out of any land.

(n) Purchase a deer license unless the individual holds a current base license.

~~(o) Subsection (f) shall be rescinded on May 12, 2017.~~



(4) For the purposes of this section and sections 3.100a, and 3.205, "bait" means a substance composed of grains, minerals, salt, fruits, vegetables, hay, or any other food materials, whether natural or manufactured, which may lure, entice or attract deer. "Bait" does not include the establishment and maintenance of plantings for wildlife, foods found scattered solely as the result of normal agricultural planting or harvesting practices, foods available to deer through normal agricultural practices of livestock feeding if the area is occupied by livestock actively consuming the feed on a daily basis, or standing farm crops under normal agricultural practices. For the purposes of this section, "baiting" means to place, deposit, tend, distribute, or scatter bait to aid in the taking of a deer.

(5) It shall be unlawful for a person to make use of bait to aid in the taking of a deer within the core CWD area and CWD management zone as defined in chapter XII of this order, and within Alcona, Alpena, Montmorency, and Oscoda counties.

(6) In remaining portions of Michigan not described in subsection (5), a person may engage in baiting only if all of the following conditions apply:

(a) The baiting occurs only from September 15 to January 1.

(b) The bait material may be of any food type.

(c) The bait is scattered directly on the ground by any means, including mechanical spin-cast feeders, provided that the spin-cast feeder does not distribute on the ground more than the maximum volume allowed as described in subdivision (d) of this subsection. "Scattered" means that the bait is dispersed or thrown over a minimum of a 10-foot by 10-foot or equivalent area so that individual pieces of bait are separated and not placed in piles. The purpose of scattering is to mimic natural feeding conditions.

(d) The volume of bait used at any 1 point in time shall not exceed 2 gallons at any 1 hunting site.

(e) Subsection (6) is subject to Section 3.100a (2) of this order.

(7) It shall be unlawful for a person to make use of bait to aid in the taking of a deer if the bait and baiting does not meet all of the conditions specified in subsection (6) unless specifically authorized.

Issued on this 11th day of May, 2017.

Approved as to matters over which the Natural Resources Commission has authority.

John Matonich, Chairman  
Natural Resources Commission

Approved as to matters over which the Director has authority.

Keith Creagh  
Director